

FILED

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

SEP 12 2005

LEONARD GREEN, Clerk

Nos. 04-5836; 04-5837

GIBSON GUITAR CORP.,
Plaintiff - Appellee,

v.

PAUL REED SMITH GUITARS, LP,
Defendant - Appellant.

Before: KENNEDY, MARTIN, and MOORE, Circuit Judges.

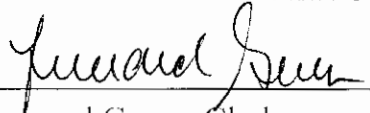
JUDGMENT

On Appeal from the United States District Court
for the Middle District of Tennessee at Nashville.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that with respect to plaintiff Gibson Guitar Corp.'s trademark-infringement claim, the district court's decision granting summary judgment in favor of Gibson is REVERSED. IT IS FURTHER ORDERED that the district court's decision denying summary judgment in favor of defendant Paul Reed Smith Guitars, LP is REVERSED and the permanent injunction issued by the district court is VACATED. All other claims and motions are DENIED AS MOOT and the case is REMANDED for further proceedings in accordance with the opinion of this court.

ENTERED BY ORDER OF THE COURT


Leonard Green, Clerk